APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,634	10/01/2003	Luis M. Gomes	5150-82801	7873

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EXAMINER
AUGUSTINE, NICHOLAS

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2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/676,634</td><td>Applicant(s)
GOMES ET AL.</td><td></td></tr>
<tr><td>Examiner
NICHOLAS AUGUSTINE</td><td>Art Unit
2179</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 6-23* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1 and 6-23* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *6/20/2008*.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

A.   This action is in response to the following communications: Request for

Continued Examination filed 06/20/2008. This action is made **Non-Final**.

B.   Claims 1 and 6-23 remains pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

06/20/2008 has been entered.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   Claims 1 and 6-23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Deutscher et al. (2004/0001106), herein referred to as Deutscher in view of

Hampapuram et al. (US 2004/0221262 A1), herein referred to as Hampapuram.

As for independent claims 1,18-21, Deutscher teaches a memory medium which stores

program instructions implementing a graphical user interface (GUI) for a program and

corresponding method and system for debugging a program, wherein, during execution

of the program, the program instructions are executable by a processor to perform:

displaying source code for the program on a display during execution of the program,

wherein the executing program was compiled from the source code (par.137, 155, 200-

201; figures 13,17 and 26B); receiving first user input hovering a mouse cursor over an

expression in the source code during execution of the program (par.200-201); in

response to said hovering the mouse cursor over the expression, displaying a GUI

element proximate to the expression, wherein the GUI element includes a value of the

expression; receiving second user input to the GUI element modifying the displayed

value, thereby specifying a new value for the expression; and setting the expression in

the program to the new value in response to the second user input, wherein the

program continues execution in accordance with the new value of the expression

(paragraph 143; wherein Deutscher explains how the user can double click an

expression in the browser to display a pop-up edit box in a proximate location to the

mouse as depicted in figures 13 and 17.

Deutscher does not specifically make the connection of figure 13 and 24A pop-up

windows that hovering with a mouse can be used for the pop-up window of figure 13

which is used for pop-up window 24A, only that Deutscher gives an example of a mouse

interaction trait being that of "double clicking" for pop-up window in figure 13. It would

have been obvious to one of ordinary skill in the art at the time of the invention was

made in include the functionality of hovering a mouse over the expression as well as

double clicking, this is true because hovering the mouse and double clicking the mouse

are very well known common mouse events in computer programs and because

Deutscher gives only for example and does not limit the system to only double clicking

event from the mouse for the pop-up window in figure 13 gives probable cause for an

obvious variant of any mouse events such as hovering featured in figure 24A.

Deutscher also provides to the user the ability to use a standard hover maneuver to

show a pop-up window (par.180, and figures 23-24C), although Deutscher is talking

about a different pop-up window than shown in figure 13 the connection between the

two pop-up windows (figure 13 and 24A) and the method of obtaining visual

presentation of the two pop-up windows (double clicking and hovering respectively) one

of ordinary skill in the art would make the determination that both figures 13 and 24A

are pop-up windows as explained by Deutscher that use two different methods of

presenting themselves, double clicking and hovering, and that figure 13 could be

displayed by the method used to present figure 24A and vice-versa, hence because

they are both pop-up windows and using one mouse event or another available by

Deutscher's system would yield the predictable result to have a user hover over an area

of interest to present the pop-up window shown in figure 13. Furthermore Hampapuram

teaches the user using a mouse to hover over an area of interest to display a pop-up

window called a "tool tip" (400) in paragraph 44. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to include Hampapuram into

Deutscher, this is true because to one of ordinary skill in the art would recognize the

program being used in the system of Deutscher does not have to be program specific

for the functionality of a pop-up control and that the pop-up control could work in any

program environment (e.g. debugger). Thus the combination of Hampapuram into

Deutscher would yield the predictable result of having a control pop-up window which is

initiated by hovering with the mouse courser over an area of interest by the user in such

that the user is able to input data into the pop-up window upon presentation of pop-up

window by the system.

Deutscher does not specifically mention that the program being used in the system is a

debugger program. However in the same field of endeavor Hampapuram teaches a

debugging program for displaying source code for the program on a display during

execution of the program (figure 3; paragraph 20). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to include Hampapuram into

Deutscher, this is true because to one of ordinary skill in the art would recognize the

program being used in the system of Deutscher does not have to be program specific

for the functionality of a pop-up control and that the pop-up control could work in any

program (e.g. debugger). Also Deutscher system is related to a debugger in the sense

that it is a developer (author) software used for creating program presentations wherein

the user can edit a program then preview, stop the preview, edit and preview again with

this software (figure 11; paragraphs 137-140).

As for dependent claim 6, Deutscher teaches the memory medium of claim 1, wherein

the GUI element is context sensitive (figure 17).

As for dependent claim 7, Deutscher teaches the memory medium of claim 6, wherein

the GUI element comprises a control corresponding to a data type of the expression,

and wherein the data type of the expression comprises at least one of: a string data

type; a character data type; a numeric data type; a Boolean data type; and

an array data type (figure 13 and 17).

As for dependent claim 8, Deutscher teaches the memory medium of claim 6, wherein

the GUI element is operable to display the value of the expression in a specified format;

wherein if the expression comprises integer data, the specified format comprises one or

more of: decimal; hexadecimal; octal; binary; and ASCII; and wherein if the expression

comprises single or double precision, the specified format comprises one or more of:

floating point; and scientific notation (figure 8 and 17).

As for dependent claim 9, Deutscher teaches the memory medium of claim 8, wherein

the specified format is specified via a second GUI element in the GUI (figure 17).

As for dependent claim 10, Deutscher teaches the memory medium of claim 1, wherein

the GUI element comprises: a first portion, operable to display the value of the

expression, wherein the first portion is further operable to receive the second user input

modifying the value; and a second portion, operable to display non-editable information

related to the expression (note the analysis of claim 1).

As for dependent claim 11, Deutscher teaches the memory medium of claim 10,

wherein the second portion comprises a text indicator, operable to display text (figure

17).

As for dependent claim 12, Deutscher teaches the memory medium of claim 10,

wherein the first portion is further operable to graphically indicate that the value is

editable (figure 15).

As for dependent claim 13, Deutscher teaches the memory medium of claim 1, wherein

the expression comprises a variable (figures 8, 13, 15 and 17).

As for dependent claim 14, Deutscher teaches the memory medium of claim 1, wherein

the expression comprises a syntactic expression comprising one or more of:

one or more variables; one or more constants; one or more macros; and

one or more operators (figure 15 and 17).

As for dependent claim 15, Deutscher teaches the memory medium of claim 1, wherein

the execution of the program is in debugging mode (note the analysis of claim 1;

debugging program taught by Hampapuram).

As for dependent claim 16, Deutscher teaches the memory medium of claim 1, wherein

the program instructions are further executable to perform: evaluating the expression to

determine the value of the expression (note the analysis of claim 1; debugging program

taught by Hampapuram).

As for dependent claim 17, Deutscher teaches the memory medium of claim 1, wherein the program instructions are further executable to perform: dismissing the GUI element based on one or more of: third user input, indicating dismissal of the GUI element; and elapse of a specified time period (paragraph 143).

As for dependent claim 22, Deutscher teaches the memory medium of claim 21, wherein the window is substantially just large enough to display the value of the indicated expression (note the analysis of claim 1; debugging program taught by Hampapuram wherein Hampapuram depicts a tooltip).

As for dependent claim 23, Deutscher teaches the memory medium of claim 21, wherein the window is further operable to display the indicated expression, and wherein the program instructions are further executable to perform: displaying the indicated expression with the value in the window, wherein the window does not include visible boundaries demarcating the displayed expression and value, wherein the window is substantially just large enough to display the indicated expression and the value of the indicated expression (note the analysis of claim 1; debugging program taught by Hampapuram wherein Hampapuram depicts a tooltip).

(Note :)   It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 06/20/2008 have been fully considered but they are not persuasive.

After careful review of the amended claims (given the broadest interpretation) and the remarks provided by the Applicant along with the cited reference(s) the Examiner does not agree with the Applicant for at least the reasons provided below:

A1.   Applicant argues that Deutscher's "script grid" is not the same as Applicant's "source code". Further Applicant argues that Deutscher does not teach the user receiving first user input during execution of the program.

R1.   Examiner does not agree, each perform the same functionality, Source code is read by the computer to perform the final outcome of the presentation. Script grid is read by the computer to perform the final outcome of the presentation. Each may be written, composed and used differently but essentially they perform the same function to produce a same end result, that they are both computer instructions for performing desired entered task by the computer to output a desired result. Further Deutscher provides that the script grid is partially made up of source code (par.137 and 155; figure 13 and 17). Deutscher shows that the user can input during execution of the program to edit the script (par. 200-201).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

After careful review of the amended claims (given the broadest interpretation) and the remarks provided by the Applicant along with the cited reference(s) the Examiner does not agree with the Applicant for at least the reasons provided below:

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
September 11, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179